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10
 11 **UNITED STATES DISTRICT COURT**
 12 **SOUTHERN DISTRICT OF CALIFORNIA**

13
 14 JENNIFER TAG, on behalf of herself, all
 15 others similarly situated, and the general
 public,

16 Plaintiff,

17 v.

18
 19 i360, LLC, a Delaware Limited Liability
 20 Company; GC STRATEGIES, LLC, a
 21 California Limited Liability Company; and
 22 JOSEPH LEVENTHAL, an individual;

23 Defendants.

Case No.: '21CV0975 L MDD

CLASS ACTION

CLASS ACTION COMPLAINT FOR VIOLATIONS OF:

1. Negligence
2. Public Disclosure of Private Facts
3. Invasion of Privacy, Cal. Const. Art. 1, § 1
4. California's Unfair Competition Law, Cal. Bus. & Prof. Code §§ 17200

DEMAND FOR JURY TRIAL

1 Plaintiff Jennifer Tag (“Plaintiff”), on behalf of herself, all others similarly
2 situated, and the general public, by and through her undersigned counsel, hereby
3 bring this Class Action against Defendant i360, LLC (“i360”), Defendant GC
4 Strategies, LLC (“GC Strategies”), and Defendant Joseph Leventhal (“Joe
5 Leventhal”) (collectively, “Defendants”) to obtain actual and punitive damages,
6 injunctive relief, restitution, and a declaration that Defendants’ actions were unlawful
7 as further set forth below. Plaintiff alleges the following based upon personal
8 knowledge as to herself and her own acts, and on information and belief as to all
9 other matters, investigation conducted by and through her counsel.

10 **NATURE OF THE ACTION**

11 1. “It is the intent of the Legislature that a voter be fully informed of the
12 permissible uses of personal information supplied by him or her for the purpose of
13 completing a voter registration affidavit.” Cal. Elec. Code § 2157.1.

14 2. The personal information that Californian voters supply on their voter
15 registration affidavit, including their home address, telephone number, and email
16 address, is confidential and shall not be disclosed except for limited exceptions so as
17 to protect against unauthorized disclosures of confidential information.

18 3. The disclosure of a Californian voter’s personal information shall only
19 occur upon submission of an application to the Secretary of State and only be used
20 for the specific purposes permitted by law and approved by the Secretary of State.

21 4. Californian law reflects the established principal that individuals have a
22 substantial privacy interest in the personal information included on each voter’s
23 registration affidavit.

24 5. In spite of this, Defendant i360, LLC and Defendant GC Strategies, LLC
25 have a pattern and practice of profiting from the sale and distribution of Californian
26 voters’ personal information in violation of Californian voters’ privacy rights.

1 6. Defendant Joe Leventhal knowingly aided this pattern and practice by
2 obtaining Californian voters' personal information from Defendant i360 in violation
3 of Californian voters' privacy rights.

4 7. Plaintiff Jennifer Tag uncovered Defendants' wrongful conduct after
5 Plaintiff discovered that a campaign worker for the 2020 City Council candidate for
6 the City of San Diego, Defendant Joe Leventhal, obtained Plaintiff's personal
7 information from Defendant i360 in violation of applicable state laws.

8 8. Plaintiff further uncovered an agreement between Defendants GC
9 Strategies and i360 whereby GC Strategies profits from i360's wrongful conduct by
10 applying and obtaining California voter registration information on i360's behalf.

11 9. Upon obtaining the voter registration information from GC Strategies,
12 Defendant i360 distributes and sells Californian voters' personal information to
13 countless other political candidates, campaigns, and organizations, which make up
14 i360's clientele, including Defendant Joe Leventhal.

15 10. Defendants have a duty to comply with state laws relating to the
16 application for and use of Californian voters' personal information. Compliance with
17 these laws is necessary to ensure the safety and privacy of each Californian voter.

18 11. Defendants i360 and GC Strategies failed to uphold their duty when they
19 sold Californian voters' information to i360's clients without obtaining the prior
20 express approval from the California Secretary of State.

21 12. Defendant Joe Leventhal failed to uphold his duty to comply with state
22 laws relating to the application for and use of Californian voters' personal
23 information when he unlawfully purchased said information from i360 and
24 disseminated this information to his committee workers.

25 13. Upon information and belief, Plaintiff alleges Defendant i360
26 wrongfully distributes and sells Californians' personal information to countless others
27 which make up i360's clientele.
28

1 **PARTIES**

2 18. At all times alleged herein, Plaintiff Jennifer Tag, individual, was a
3 citizen and resident of San Diego, California and was registered to vote in the State of
4 California.

5 19. Defendant i360, LLC is a Delaware limited liability company that
6 collects, markets, advertises, and sells voter data in California and throughout the
7 United States. i360 maintains its principal place of business at 2300 Clarendon
8 Boulevard, Suite 800, Arlington, Virginia, 2201-0000.

9 20. Defendant GC Strategies, LLC is a California limited liability company
10 that specializes in political, marketing, and public relations consulting services. GC
11 Strategies has a contractual agreement with Defendant i360 to apply for Californian
12 voter registration information on i360’s behalf. GC Strategies maintains its principal
13 place of business at 9087 Arrow Route, Suite 210, Rancho Cucamonga, California
14 91730.

15 21. Defendant Joe Leventhal is a California resident who was a political
16 candidate for San Diego City Council in 2020. Joe Leventhal was a former member
17 of the San Diego County Ethics Commission from 2017-2018. Joe Leventhal
18 willfully and knowingly authorized the purchase of California voter registration
19 information from i360 in violation of state law in his official capacity as the agent of
20 his candidate-controlled committee, Leventhal for Council 2020. *See* Cal. Govt.
21 Code § 82016(a) (defining “controlled committee” as a committee directly or
22 indirectly controlled by a candidate in connection with the making of expenditures);
23 *see also Exhibit A* [listing Leventhal for Council 2020 as a “candidate controlled
24 committee”] at p. 2.

25 **AGENCY; AIDING AND ABETTING; AND CONSPIRACY**

26 22. At all times relevant thereto, Defendants, and each of them, were acting
27 as the agents, employees or representatives of each other, and were acting within the
28 course and scope of their agency and employment with the full knowledge, consent,

1 permission, authorization and ratification, either express or implied, of each of the
2 other Defendants in performing the acts alleged in this Complaint.

3 23. As members of the conspiracies alleged more fully below, each of the
4 Defendants participated or acted with or in furtherance of such conspiracy and have
5 performed acts and made statements in furtherance of the conspiracy and other
6 violations of California law. Each Defendant acted both individually and in
7 alignment with the other Defendants with full knowledge of their respective wrongful
8 conduct. Defendants thus conspired together, each building upon the other's
9 wrongdoing in order to accomplish the bad acts of Defendants identified in this
10 Complaint.

11 24. Defendants are individually sued as principals, participants, aiders and
12 abettors, and co-conspirators in the wrongful conduct identified in this Complaint.
13 Each Defendant has engaged in all or part of the improper acts, plans, scheme,
14 conspiracies or transactions complained of herein.

15 FACTUAL ALLEGATIONS

16 **a. Defendant i360**

17 25. Defendant i360 is in the business of “harvest[ing] troves of data to build
18 profiles of every voter and potential voter in the country.” Source: *Koch Data*
19 *Mining Company Helped Inundate Voters With Anti-Immigrant Messages*, Lee Fang,
20 THE INTERCEPT, Sept. 9, 2019 [https://theintercept.com/2019/09/09/koch-anti-](https://theintercept.com/2019/09/09/koch-anti-immigrant-data-i360/)
21 [immigrant-data-i360/](https://theintercept.com/2019/09/09/koch-anti-immigrant-data-i360/) (last accessed May 21, 2021).

22 26. i360 was founded by Charles Koch “in the aftermath of the 2012
23 election, in which Republican candidates favored by Koch fared poorly . . . i360 was
24 envisioned as a way to revolutionize right-wing pressure campaign and election
25 efforts by incorporating the latest in data science.” *Id.*

26 27. The company “serves as a data warehouse and data resource vendor to
27 its customers, candidates, and political committees.” See **Exhibit B**, at p. 2
28 [Defendant i360's Response to FEC Complaint].

1 28. “i360, at its core, is a commercial data vendor selling data from its data
2 library of over 190 million voters and 250 million American consumers, including
3 hundreds of aggregate data points on such individuals, as well as proprietary
4 predictive modeling data.” *Id.*

5 29. The foundation of i360’s database library is the personal information
6 obtained from voter registration files maintained by Secretaries of States. *Id.* at p. 6
7 (“One thing that has not changed with the recent data analytics boom, though, is that
8 ‘[t]he foundation of voter databases is the publicly available official voter files
9 maintained by Secretaries of State.’”) (citation omitted).

10 30. i360 self-describes the voter registration files it obtains from Secretaries
11 of State as being “publicly available.” *Id.*

12 31. This is false. In California, voter registration files are “confidential and
13 shall not be disclosed to any person, except pursuant to Section 2194 of the Elections
14 Code.” Elec. Code § 6254.4.

15 32. Yet i360 describes its database library as being “akin to an enhanced
16 phone book” that can be accessed by each of its clients. *See Exhibit B*, at p. 9 (“In
17 other words, it is the end-user customer who ultimately decides what to select from
18 the i360 data library.”); *id.* at p. 13.

19 33. “i360’s service can also be viewed in the same light as Lexis or Westlaw
20 – each contain massive amounts of information, but it is the end-user who must
21 decide what to pull, what to emphasize and how to use it in an end-product.” *Id.* at p.
22 6, n3.

23 34. “For example, [an i360] customer could pull or select a list of all female
24 registered voters in Baltimore. A customer could further refine their pull to all
25 female registered voters in Baltimore who are registered Democrat yet appear to be
26 pro-life under the age of 35.” *Id.* at p. 8.

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28

1 35. i360’s clients may also upload their own data, which i360 will then use
2 “to further refine and tag i360’s already-existing data library and the predictive
3 models it contains.” *Id.* at p. 9.

4 36. In sum, the “i360[] database constitutes a library of factual, qualitative
5 information, available to be accessed and used by its clients on their own
6 prerogative.” *Id.* at p. 23.

7 37. “i360 employs a number of data scientists to maintain the database and
8 proprietary modeling algorithms based on a multitude of individual data points. As in
9 any statistically-based endeavor, there is . . . a powerful corollary incentive for
10 obtaining as much data as possible[.]” *Id.* at p. 7.

11 38. The incentive to collect as much data as possible led i360 to form a data
12 sharing agreement with another data company called Data Trust.

13 39. As it does with other commercial data resources, i360 entered into a
14 business deal with Data Trust, another commercial vendor which possessed
15 commoditized data that could be useful to the existing i360 data library and
16 predictive models, and thus improve i360’s product. *Id.* at p. 10.

17 40. i360 and Data Trust announced the agreement in late August of 2014.
18 The goal of the arrangement was to give each entity’s clients access to more and
19 better data by sharing and updating data across each entity’s respective voter
20 database. Source: FEC Complaint Against i360, LLC, MUR # 6888, at p. 5, Oct. 23,
21 2014, <https://www.fec.gov/files/legal/murs/6888/16044391307.pdf> (last accessed
22 May 21, 2021).

23 41. Pursuant to the terms of the agreement, “[c]lients of either The Data
24 Trust or i360 can improve the data shared with all clients. For example, if a client of
25 either company conducting voter outreach identifies a voter attribute or preference,
26 clients of the other organization will benefit from that information. As a result,
27 conservative groups and campaigns will have more information about voters at their
28 disposal for their own activities than ever before.” *Id.* at p. 5-6.

1 42. i360 and Data Trust entered into another agreement to share voter data in
2 the 2016 election cycle. Source: *Koch network strikes new deal to share voter data*
3 *with RNC-aligned firm*, Matea Gold, THE WASHINGTON POST, July 29, 2015,
4 [https://www.washingtonpost.com/news/post-politics/wp/2015/07/29/koch-network-](https://www.washingtonpost.com/news/post-politics/wp/2015/07/29/koch-network-strikes-new-deal-to-share-voter-data-with-rnc-aligned-firm/)
5 [strikes-new-deal-to-share-voter-data-with-rnc-aligned-firm/](https://www.washingtonpost.com/news/post-politics/wp/2015/07/29/koch-network-strikes-new-deal-to-share-voter-data-with-rnc-aligned-firm/) (last accessed May ,
6 2021).

7 43. “The partnership – similar to the one that the two entities had in 2014 –
8 mean[t] that the eventual GOP presidential nominee w[ould] have a voter file
9 enriched with data gathered by other Republican contenders as well as Koch-backed
10 groups such as Americans for Prosperity.” *Id.*

11 44. The agreement between i360 and Data Trust prompted criticism from
12 then chief of staff of the Republican National Committee, Katie Walsh, who stated
13 “that she believed ‘its very dangerous and wrong to allow a group of very strong,
14 well-financed individuals *who have no accountability to anyone* to have control over
15 who gets access to the data when, why and how.’” *Id.* (emphasis added).

16 **b. Defendant GC Strategies’ Agreement to Obtain California Voter**
17 **Information on Behalf of Defendant i360**

18 45. Public records show that on or around July 18, 2018, Defendant GC
19 Strategies LLC began obtaining personal information from Californian voter
20 registration files on Defendant i360’s behalf. *See Exhibit C* [Application for
21 California Voter Registration file made by GC Strategies on i360’s behalf], at p. 2.

22 46. A letter from i360 to the Secretary of State, dated July 23, 2018, stated
23 the voter registration files requested by GC Strategies on i360’s behalf shall be used
24 “in accordance with Title 2, Division 7, Chapter 1, Article I of the California Code of
25 Regulations, and Elections Code Sections 2188 and 2194, Government Code Section
26 6254.4, and any other applicable California laws.” *See Exhibit D* [i360 letter to
27 Secretary of State], at p. 2.

28

1 47. A letter from GC Strategies to the Secretary of State, dated August 22,
2 2018, stated GC Strategies would contractually require i360 to use administrative,
3 physical, and technical safeguards to protect the voter registration records and that
4 only authorized employees of GCS and i360 would have access to the data. *See*
5 **Exhibit E** [GC Strategies letter to Secretary of State], at p. 2-3.

6 48. On August 27, 2018, the Secretary of State wrote a letter to GC
7 Strategies enclosing the requested Californian voter registration files. The letter
8 further stated, “You are approved to use this data only for the purpose stated in your
9 application – **not for any type of commercial purpose**. You must obtain
10 authorization from the Secretary of State before this data can be used for any other
11 purpose or before it can be transferred to another party.” *See Exhibit F* [Secretary of
12 State letter to GC Strategies], at p. 2 (emphasis in original).

13 49. GC Strategies thereafter continued to submit applications for California
14 voter registration information on i360’s behalf.

15 50. On August 26, 2019, GC Strategies submitted another letter to the
16 Secretary of the State regarding a California Voter Registration File request made on
17 i360’s behalf. *See Exhibit G* [GC Strategies letter to Secretary of State].

18 51. GC Strategies stated:

19 GCS is requesting the California voter registration information for its
20 own use and to transfer . . . to the Transferees. i360, the Transferee,
21 utilizes strict security and confidentiality measures which are consistent
22 with high standards in the data management industry, to secure and
23 protect the voter registration list from unauthorized us [sic], access, or
24 disclosure.

25 *See id.* at p. 2.

26 52. Notably, an application from GC Strategies made on July 30, 2019 and
27 on i360’s behalf was flagged by a government employee named “Renee” who
28 handwrote the following:

1 GC Strategies and i360 made a PVRDR Request on 08/27/19.¹ The
2 letters they used then are very similar to the ones on their new
3 application. On both applications, they do not state who they will
4 eventually share the data with[.]

5 • Renee 12/06/19
6 See **Exhibit H** [GC Strategies July 30, 2019 application], at p. 2.

7 53. On January 16, 2019, i360 wrote the Secretary of State with the subject
8 line “Re: Following up on Conversation with Cameron Wessel of GC Strategies
9 Regarding California Voter Registration File Request.” See **Exhibit I** [i360 Letter to
10 Secretary of State], at p. 2.

11 54. The letter stated that “Mr. Wessel advised i360 that we submit this letter
12 to your office to describe i360’s activities as a transferee of the California voter
13 registration file from GC Strategies and include i360’s clients that would access the
14 California voter registration file through i360.” See *id.*

15 55. The last page of the letter listed the following clients:

- 16 • Republican Party of San Diego
- 17 • Jay Obernolte for Congress
- 18 • Laurie Davies for State Assembly
- 19 • Jeremy Smith for State Assembly
- 20 • Check Washington for Supervisor 2020
- 21 • Carl Demaio for Congress
- 22 • River Right LLC Diane Dixon for Assembly 2020

23 See *id.* at p. 3.

24 **c. Californian Voters’ Privacy Rights**

25
26
27 ¹ It appears the letter “Renee” refers to is the August 26, 2019 application, see Ex. J,
28 as reflected by the applications found in public records. See Cal. Elec. Code § 2188
 (“Completed applications for voter registration information shall be retained by the
 elections official for five years from the date of application.”)

1 56. On June 15, 2004, California Secretary of State Kevin Shelley released
2 recommendations made by a Task Force created to focus on Voter Privacy. Source:
3 *Secretary of State Kevin Shelley Announces Recommendations from Task Force on*
4 *Voter Privacy*, June 15, 2004, [https://admin.cdn.sos.ca.gov/press-](https://admin.cdn.sos.ca.gov/press-releases/prior/2004/04_039.pdf)
5 [releases/prior/2004/04_039.pdf](https://admin.cdn.sos.ca.gov/press-releases/prior/2004/04_039.pdf) (last accessed May 21, 2021).

6 57. Secretary of State Shelley stated “Californians are increasingly
7 concerned about protecting their privacy . . . The Task Force made recommendations
8 that enhance the protection of private information contained in voter files and ensure
9 that voters receive vital information on how to protect themselves from identity theft
10 and other crimes.” *Id.*

11 58. One of the key recommendations issued by the Task Force to increase
12 voter privacy protections was to require “additional restrictions to prevent misuse by
13 those authorized to use voter registration information.” *Id.*

14 59. “The Task Force believe[d] that current laws should be strengthened to
15 protect against impermissible uses of voter information, especially by secondary
16 users.” Source: *Task Force on Voter Privacy: FINAL REPORT*, Presented to
17 Secretary of State Kevin Shelley and Members of the Legislature, June 14, 2004, at p.
18 23,
19 [https://elections.cdn.sos.ca.gov/voter_privacy_final_report/intro_tfvf_final_report.pd](https://elections.cdn.sos.ca.gov/voter_privacy_final_report/intro_tfvf_final_report.pdf)
20 [f](https://elections.cdn.sos.ca.gov/voter_privacy_final_report/intro_tfvf_final_report.pdf), (last accessed May 21, 2021).

21 60. “The Task Force recommend[ed] that the Secretary of State sponsor
22 legislation to:

- 23 • Require that applications for voter file data identify the ‘end-user’ of
24 the data; for example a scholarly use of the data might be identified
25 with a specific university, or a political use might be identified with a
26 specific ballot measure committee.
- 27 • Specify that reuse or resale of the data, even for a similar purpose, by
28 another party is prohibited without further written authorization from

1 the state or county elections officials from whom the voter
2 registration file data was obtained.

- 3 • Require a retention and disposal procedure to safeguard the
4 information while it is in the possession of the end user and ensure
5 proper disposal of data when the end user discards it.”

6 *Id.* at pp. 23-24.

7 61. Thereafter, the Secretary of State sponsored Assembly Bill No. 2079 “to
8 codify the consensus recommendations of the Voter Privacy Task Force.” Source:
9 *Secretary of State Kevin Shelley Announces Recommendations from Task Force on*
10 *Voter Privacy*, June 15, 2004, [https://admin.cdn.sos.ca.gov/press-](https://admin.cdn.sos.ca.gov/press-releases/prior/2004/04_039.pdf)
11 [releases/prior/2004/04_039.pdf](https://admin.cdn.sos.ca.gov/press-releases/prior/2004/04_039.pdf) (last accessed May 21, 2021).

12 62. Assembly Bill No. 2079 was passed on February 17, 2004. A.B. 2079,
13 CA, Feb. 17, 2004,
14 [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200320040AB20](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200320040AB2079)
15 [79](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200320040AB2079) (last accessed May 21, 2021).

16 63. Assembly Bill (“AB”) No. 2079 states: “It is the intent of the Legislature
17 that a voter be fully informed of the permissible uses of personal information
18 supplied by him or her for the purpose of completing a voter registration affidavit.”
19 *See* Cal. Elec. Code § 2157.1.

20 64. Elections Code § 2194 was amended by AB 2079, to read:

21 The voter registration card information identified in subdivision (a) of
22 Section 6254.4. of the Government Code:

- 23 (1) Shall be confidential and shall not appear on any computer terminal, list,
24 affidavit, duplicate affidavit, or other medium routinely available to the
25 public at the county elections official’s office.
- 26 (2) Shall not be used for any personal, private, or commercial purpose . . .
- 27 (3) Shall be provided with respect to any voter, subject to the provisions of
28 Section 2188, to any candidate for federal, state, or local office, to any

1 committee for or against any initiative or referendum measure for which
2 legal publication is made, and to any person for election, scholarly,
3 journalistic, or political purposes, or for governmental purposes, as
4 determined by the Secretary of State,

5 65. Government Code § 6254.4 states that “the home address, telephone
6 number, email address, precinct number, or other number specified by the Secretary
7 of State for voter registration purposes, and prior registration information shown on
8 the affidavit of registration, is confidential and shall not be disclosed to any person,
9 except pursuant to Section 2194 of the Elections Code.”

10 66. Elections Code § 2188, which governs the application for voter
11 registration information, was amended to read: “Any application for voter registration
12 information available pursuant to law and maintained by the Secretary of State or by
13 the elections official of any county shall be made pursuant to [Election Code §
14 2188].” *See* Elec. Code § 2188(a).

15 67. If an application for voter registration information is made on behalf of
16 another person, the applicant shall, in addition to providing their information, provide
17 the information of the person on whose behalf the application is being made. *See*
18 Elec. Code § 2188(c).

19 68. All applications for voter registration information must be signed under
20 penalty of perjury. *See* Elec. Code § 2188(c).

21 69. California Code of Regulations (“CCR”) regulates for what purpose
22 voter registration information may be used.

23 70. California voter registration information obtained by any person shall be
24 used solely for election and governmental purposes. *See* CCR § 19002.

25 71. Pursuant to CCR § 19003, “election and governmental purposes” include
26 but is not limited to the following:

27 (a) Using registration information for purposes of communicating with
28 voters in connection with any election.

1 (b) Sending communications, including but not limited to, mailings
2 which campaign for or against any candidate or ballot measure in any
3 election.

4 (c) Sending communications, including but not limited to, mailings by or
5 on behalf of any political party; provided however, that the content of
6 such communications shall be devoted to news and opinions of
7 candidates, elections, political party developments and related matters.

8 (d) Sending communications, including but not limited to, mailings,
9 incidental to the circulation or support of, or opposition to any recall,
10 initiative, or referendum petition.

11 (e) Sending of newsletters or bulletins by any elected public official,
12 political party or candidate for public office.

13 (f) Conducting any survey of voters in connection with any election
14 campaign.

15 (g) Conducting any survey of opinions of voters by any government
16 agency, political party, elected official or political candidate for election
17 or governmental purposes.

18 (h) Conducting an audit of voter registration lists for the purpose of
19 detecting voter registration fraud.

20 (i) Soliciting contributions or services as part of any election campaign
21 on behalf of any candidate for public office or any political party or in
22 support of or opposition to any ballot measure.

23 (j) Any official use by any local, state, or federal governmental agency.

24 72. Pursuant to CCR § 19004, the following uses of voter registration
25 information are prohibited:

26 (a) Any communication or other use solely or partially for any
27 commercial purpose.

28

1 (b) Solicitation of contributions or services for any purpose other than on
2 behalf of a candidate or political party or in support of or opposition to a
3 ballot measure.

4 (c) Conducting any survey of opinions of voters other than those
5 permitted by Sections 19003(f) and (g).

6 73. Any person who obtains voter registration information is further
7 prohibited from “mak[ing] any information available under any terms, in any format,
8 or for any purpose, to any person without receiving prior written authorization from”
9 the California Secretary of State. Such authorization will only be given “after the
10 person to receive such information has executed the written agreement set forth in
11 Section 19008.” CCR § 19005.

12 74. It is a misdemeanor for a person in possession of California voter
13 registration information to “knowingly [] use or permit the use of all or any part of
14 that information for any purpose other than as permitted by law.” Cal. Elec. Code §
15 18109.

16 75. It is also a misdemeanor “for a person knowingly to acquire possession
17 or use of voter registration information from the Secretary of State or a county
18 elections official without first complying with Section 2188.” Cal. Elec. Code §
19 18109.

20 76. Defendants i360 and GC Strategies, who applied and obtained California
21 voter registration information, were subject to the foregoing provisions. Defendant
22 Joe Leventhal, who purchased and obtained California voter registration information
23 from Defendant i360, was also subject to the foregoing provisions.

24 **d. The Defendants’ Practice of Distributing and Selling Voter Data Without**
25 **Prior Express Approval Violates Voters’ Privacy Rights**

26 77. Defendants violate Californian voters’ privacy rights through their
27 unlawful distribution and selling of Californian voter data.

28

1 78. For example, Defendant Joe Leventhal created Leventhal for Council
2 2020 to use as his committee in the election. State election records show that
3 Defendant Joe Leventhal through his candidate-controlled committee, Leventhal for
4 Council 2020, purchased California voter registration information from Defendant
5 i360 between February 16, 2020 to July 30, 2020. See **Exhibit A** [Leventhal for
6 Council 2020 Campaign Statement].

7 79. Defendant Joe Leventhal did not legally obtain Californian voters' information
8 from either the California Secretary of State, or the San Diego County Registrars'
9 Office. Nor did Defendant Joe Leventhal have an application for Californian voters'
10 information submitted on his behalf. Defendant Joe Leventhal thereby acted in
11 violation of Elections Code § 2188.

12 80. Defendant Joe Leventhal further disseminated this illegally obtained
13 Californian voter information to his committee workers in violation of CCR § 19005.
14 Defendant Joe Leventhal never complied with CCR § 19008 to obtain permission
15 from the Secretary of State prior to dissemination to his committee. The Secretary of
16 State has no record of Joe Leventhal of either applying or having someone apply on
17 his or his committee's behalf in violation of Elections Code § 2188.

18 81. Obtaining voter information from the Secretary of State of a county elections
19 official, i.e., the San Diego Registrar of Voters, without first complying with Election
20 Code § 2188 is a criminal misdemeanor offense per Elections Code § 18109(b).

21 82. Upon information and belief, Defendant Joe Leventhal knowingly committed
22 this misdemeanor offense.

23 83. Prior to running for council, Defendant Joe Leventhal had been appointed to a
24 four-year term with the San Diego Ethics Commission in 2017. Source: *Joseph*
25 *Leventhal Appointed to San Diego Ethics Commission*, Dinsmore, Oct. 11, 2017,
26 [https://www.dinsmore.com/news/joseph-leventhal-appointed-to-san-diego-ethics-](https://www.dinsmore.com/news/joseph-leventhal-appointed-to-san-diego-ethics-commission/)
27 [commission/](https://www.dinsmore.com/news/joseph-leventhal-appointed-to-san-diego-ethics-commission/) (last accessed May 21, 2021).

28

1 84. The San Diego Ethics Commission is responsible, in part, for “advising and
2 educating city officials, candidates, political committees, and lobbyists about
3 governmental ethics laws.” *Id.*; *see also About the Commission*, CITY OF SAN DIEGO
4 <https://www.sandiego.gov/ethics/about>, (last accessed May 21, 2021).

5 85. The “governmental ethics laws” are found in the San Diego Municipal Code
6 (“SDMC”). Relevant to the allegations set forth in this complaint is SDMC §
7 27.3503, which defines “confidential information” as information whose use or
8 disclosure is prohibited by a statute, regulations, or rule. The San Diego Ethics
9 Commission is responsible for advising city officials, candidates, political
10 committees, and lobbyists of the governmental ethics laws related to the use or
11 disclosure of “confidential information.” *See* SDMC § 27.3564 (prohibits current or
12 former city officials from use or disclosing confidential information); *see also* SDMC
13 § 27.4023 (prohibits lobbyists from directly or indirectly accepting, using, or
14 disclosing confidential information).

15 86. Upon information and belief, after having served on the Ethics Commission to
16 advise candidates and political committees regarding governmental ethics laws,
17 including those related to the use or disclosure of “confidential information,”
18 Defendant Joe Leventhal was intimately aware of the process for applying and
19 obtaining California voter registration data.

20 87. Despite his experience and knowledge, Defendant Joe Leventhal knowingly
21 purchased and obtained California voter registration data from Defendant i360
22 without having Defendant i360 submit an application on his behalf, therefore acting
23 in violation of Elections Code §§ 2188 and 18109 and CCR § 19005.

24 88. Upon information and belief, Defendant i360 and Defendant GC
25 Strategies distribute and sell California voter registration data to countless others
26 which make up i360’s clientele.

27 89. For example, committee campaign records from the Federal Elections
28 Commission indicate the following:

- 1 • Eric Early, through his principal campaign committee, Eric Early for
2 Congress 2020, ID No. C00711432, purchased an online subscription
3 for data services from i360 on August 21, 2020, November 19, 2020
4 and December 11, 2020;
- 5 • Joshua Scott, through his principal campaign committee, Joshua Scott
6 for Congress, ID No. C00682179, purchased data to conduct surveys
7 from i360 on March 10, 2020; April 3, 2020; July 3, 2020; September
8 4, 2020; September 16, 2020; and October 5, 2020;
- 9 • Greg Raths, through his principal campaign committee Greg Raths
10 for Congress 2020, ID No. C00700599, purchased voter list data from
11 i360 on August 12, 2020 and September 12, 2020 and data for phone
12 banking on October 6, 2020, October 12, 2020, November 17, 2020

13 *See Exhibit J* [Independent Expenditures to i360 taken from Federal Election
14 Commission website], at pp. 8-12, 14-16.

15 90. Each of the campaigns listed above were for federal candidates running a
16 campaign in California, and thus the voter data obtained from i360 would have been
17 obtained by i360 via an application to the Secretary of State.

18 91. Yet public records show that neither i360 nor GC Strategies disclosed in
19 their applications to the California Secretary of State that the personal information of
20 Californian voters would be sold and distributed to the federal candidates and
21 committees listed above. Such conduct violates the express prohibition on
22 transferring voter registration information to any person without receiving prior
23 written authorization from the Secretary of State. *See* CCR § 19005; *see also* Cal.
24 Elec. Code §§ 2188 and 18109.

25 92. Upon information and belief, Defendant i360 provides California voter
26 registration information to each of its clients upon granting access to i360’s database
27 without prior express approval from the California Secretary of State, therefore acting
28 in violation of Elections Code §§ 2188 and 18109 and CCR 19005.

1 93. Upon information and belief, Defendant GC Strategies is aware of i360’s
2 unauthorized disclosures of voter registration information and actively conspired with
3 i360 and aided i360’s wrongful conduct through its contractual agreement with i360
4 to apply and obtain Californian voter data on i360’s behalf.

5 **e. Plaintiff Jennifer Tag’s Experience**

6 94. Plaintiff Jennifer Tag became aware of Defendants’ wrongful conduct
7 after a campaign worker for Defendant Joe Leventhal’s campaign, Leventhal for
8 Council 2020, arrived at her home to campaign for Joe Leventhal on February 24,
9 2020.

10 95. Prior to this, Plaintiff, who was a Deputy District Attorney for the
11 County of San Diego, had obtained what is referred to as “confidential voter status”
12 on or around November 18, 2019.

13 96. “Confidential voter status” is a type of heightened confidential status
14 that may be obtained pursuant to Elections Code §§ 2166 and 2166.7.²

15 97. Elections Code § 2166.7 provides that any public safety officer may
16 obtain confidential voter status upon applying under penalty of perjury “that a life-
17 threatening circumstance exists to the officer or a member of the officer’s family.”
18 Such applications shall be a public record.

19 98. Public safety officers include any attorney, whether active or retired,
20 who were employed by the County of San Diego District Attorney’s Office. *See* Cal.
21 Govt. Code § 6254.24.

22 99. For individuals who are not public safety officers and who are similarly
23 seeking confidential voter status due to life-threatening circumstances, an application
24 for such status may be made pursuant to Elections Code § 2166.

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28 ² All Californian voters’ personal information supplied on their voter registration is
confidential regardless of whether the voter obtains the heightened confidential voter
status pursuant to Elections Code §§ 2166 and 2166.7. *See* Govt. Code § 6254.4.

1 100. Plaintiff Jennifer Tag obtained confidential voter status because she was
2 “a deputy district attorney for the San Diego County District Attorney’s Office . . .
3 assigned to the Sex Crimes and Human Trafficking Division.” As a result of her
4 position with the District Attorney’s Office, Plaintiff Jennifer Tag was “the target of
5 threatening letters from stalkers [that she] prosecuted.” Thus, she declared under
6 penalty of perjury that good cause exists for the heightened confidential voter status.
7 *See Exhibit K* [Plaintiff’s Elections Code § 2166 form].

8 101. Upon obtaining heightened confidential voter status, elections officials,
9 in producing any voter registration information pursuant to an application under
10 Elections Code § 2188, must exclude such voters from any produced voter
11 registration files.

12 102. Accordingly, Joe Leventhal’s campaign worker should not have been
13 able to obtain Plaintiff’s personal information from i360 because such information
14 would have been excluded by elections officials following Plaintiff obtaining
15 confidential voter status on or around November 18, 2019.

16 103. Plaintiff became greatly concerned that her personal information was
17 being distributed in violation of state law and thereafter invested significant time and
18 expense, including out-of-pocket expenses of approximately \$102.52 and countless
19 hours, to investigate the matter.

20 104. Plaintiff discovered that Defendant Joe Leventhal had obtained her voter
21 registration information from Defendant i360, LLC.

22 105. Public records show that neither Defendant i360 nor Defendant GC
23 Strategies disclosed in their applications to the California Secretary of State or the
24 San Diego County Registrar of Voters that the personal information of Californian
25 voters would be distributed to Defendant Joe Leventhal or his candidate-controlled
26 campaign, Leventhal for Council 2020. Yet such information *was* sold to and used
27 by Joe Leventhal’s campaign by i360.
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1 106. Public records further show that Defendant Joe Leventhal and his
2 candidate-controlled committee, Leventhal for Council 2020, did not obtain prior
3 express approval in accordance with Elections Code § 2188 to obtain Californian
4 voter registration information or to disseminate such information to his committee
5 workers.

6 107. Plaintiff continued her investigation and on or around July 28, 2020,
7 Plaintiff conducted a “LiveChat” with an i360 customer service representative named
8 Chris. Attached as **Exhibit L** is a copy of the Chat Transcript.

9 108. The following portion of the Chat Transcript confirms that i360 ignores
10 California state law’s requirements for use of voter registration information and
11 distributes such information without limit to its clients. Plaintiff is listed as “Visitor”:

12

13 Visitor 09:05:07 pm
14 if purchased does it provide a list of voters within a certain city, and I
15 can narrow down by political party?

16

17 Chris 09:06:59 pm
18 Yes, our platform provides all of the voter data so you can define
19 universes based on whatever criteria you’d like. You can then create a
20 survey for the walk app that provides efficient routing for the voters
21 you’ve chosen.

22

23 **Visitor 09:07:41 pm**
24 **so do we need to cross reference in any way with the county**
25 **registrar of voters?**

26

27 **Chris 09:08:08 pm**
28 **Nope! We already have all of the voter data.**

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Visitor **09:08:22 pm**
wow, so it makes it easier for us
how often is it updated? like is someone moves residences etc
***if**

Chris **09:09:00 pm**
We do quarterly voter file updates and monthly NCOA (change of
address) updates.
What campaign or organization would this be for?

Visitor **09:09:42 pm**
and it it automatically loaded onto the platform? so we don't have to
worry and it would be updated in real time?

Chris **09:10:02 pm**
That's right, your database will automatically update.

Visitor **09:10:35 pm**
have there been issue if someone has a confidential address? would
those come through to? my neighbor is a police officer for instance
how much does this service cost?

Chris **09:11:10 pm**
We follow all applicable laws and regulations – if their address is not
on the voter file, we don't ingest it. If it's a confidential address,
generally those don't make it onto the voter file.
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Visitor **09:13:23 pm**

does the quarterly update always occur on a set date? or is it quarterly from your individual purchase date?

Chris **09:14:12 pm**

It's not a set date as the state varies on when they will provide it, but its approximately every three months

See Exhibit L at pp. 2-3 (emphasis added).

109. The Chat Transcript shows that i360 treats each application for California voter registration information as a “quarterly update” to the voter data provided to each of its clients.

110. i360 and GC Strategies are obligated under state law to list in its application for California voter registration information each individual and/or entity that will access the information provided to i360. *See* CCR § 19005.

111. Yet, i360 failed to obtain express written approval to provide the personal information of Californians voters to its clientele, including Defendant Joe Leventhal.

112. Upon information and belief, i360 distributes and sells voter registration information to countless more political candidates, campaigns, and organizations, which make up i360’s clientele.

113. Further, i360 falsely asserts that it wipes voters with confidential voter status from the database each time it conducts its “quarterly update.” Had this been true, Plaintiff’s voter registration information would have been wiped during this so-called update.

114. Regardless, i360 violates California state law by countlessly distributing and selling Californian voters’ information without obtaining express written approval from the California Secretary of State in violation of CCR § 19005.

1 115. It is a misdemeanor to knowingly use or permit use of any part of the
2 voter registration information obtained pursuant to Government Code § 6254.4 for
3 any purpose other than permitted by law; or to knowingly acquire possession or use
4 of voter registration information from the Secretary of State without first complying
5 with Elections Code § 2188. *See* Elec. Code § 18109.

6 116. i360’s response to complaints made against it to the Federal Election
7 Commission on October 23, 2014 further confirms i360’s disregard for California
8 laws regarding voter registration information.

9 117. In its response to allegations made against it, i360 describes and admits
10 that it engages in the type of data sharing prohibited by California law. *See e.g.*,

11 **Exhibit B:**

- 12 • “i360’s service can also be viewed in the same light as Lexis or
13 Westlaw – each contain massive amounts of information, but it is
14 the end-user who must decide what to pull, what to emphasize and
15 how to use it in an end-product.” *Id.* at p. 6, n.3.
- 16 • “For example, [an i360] customer could pull or select a list of all
17 female registered voters in Baltimore. A customer could further
18 refine their pull to all female registered voters in Baltimore who
19 are registered Democrat yet appear to be pro-life under the age of
20 35.” *Id.* at p. 8, n.6.
- 21 • Data uploaded by a client can be accessed and analyzed “to further
22 refine and tag i360’s *already-existing data library* and the
23 predictive models it contains. . . Though much of this imported
24 data is redundant with existing data points, it is still valuable for
25 i360’s future purposes, because even redundant enhances the i360
26 database and models with issue and demographic information
27 *relevant to individuals i360 already has in its database.*” *Id.* at pp.
28 9-10 (emphasis added).

- 1 • “i360 is in the business of selling enhanced data with respect to
2 the named Respondents—akin to an enhanced phone book based
3 upon publicly available voter rolls and consumer data[.]” *Id.* at p.
4 16.
- 5 • “[T]he bedrock of the i360 data library comes from publicly
6 available sources, such as voter lists and consumer data.” *Id.* at p.
7 20.
- 8 • “i360’s database constitutes a library of factual, qualitative
9 information, available to be accessed and used by its clients on
10 their own prerogative.” *Id.* at p. 23.

11 118. Straight from the horse’s mouth, i360 admits that it collects voter
12 registration information and uses it to refine its existing data-library, which can then
13 be accessed by any of its clients without regard to California’s prerequisite for prior
14 express approval.

15 119. i360’s clients, including Defendant Joe Leventhal, then continue this
16 illegal use of California voter information by paying for i360’s service and providing
17 the illegally obtained voter information to numerous committee workers and
18 volunteers without any safeguarding of voter registration information.

19 120. Defendants’ wrongful conduct violates Californian voters’ privacy rights
20 and exposes them to serious risks of identity theft.

21 121. As explained by a member of the California Task Force on Voter
22 Privacy, “the data elements of a voter record, in the wrong person’s hands, essentially
23 comprise an ‘identity starter kit.’ The only other data the thief needs to complete the
24 starter kit is the Social Security number, which is relatively easy to obtain through
25 other means.” Source: *Task Force on Voter Privacy: FINAL REPORT*, Presented to
26 Secretary of State Kevin Shelley and Members of the Legislature, June 14, 2004, at p.
27 9,

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1 https://elections.cdn.sos.ca.gov/voter_privacy_final_report/intro_tfvf_final_report.pdf
2 [f](#), (last accessed May 21, 2021).

3 122. Identity theft is a serious concern not only in California but across the
4 nation. In 2017 alone, there was 12.7 million U.S. adult victims, which represents
5 4% of U.S. adults and includes over 1.5 Californians. Source: *Identity Thief*, State of
6 California Department of Justice, <https://oag.ca.gov/idtheft> (last accessed May 21,
7 2021).

8 123. The regulations for obtaining and distributing Californian’s personal
9 information from voter registration files are intended to protect against the risk of
10 identity theft and misuse of personal information.

11 124. Furthermore, related to Plaintiff specifically and others similarly situated
12 with life-threatening conditions who have obtained a heightened confidential voter
13 status pursuant to Elections Code § 2166, there is a serious concern for safety when
14 personal information is illegally obtained and disseminated.

15 125. To permit Defendants i360 and GC Strategies to distribute Californian
16 voters’ personal information without limitation and in violation of state law creates a
17 risk of harm to each Californian voter whose information is contained in i360’s
18 existing database and carries a serious risk of creating a chilling effect on voter
19 participation for fear of misuse of personal information.

20 126. To permit political candidates and committees, such as Defendant Joe
21 Leventhal, to use this illegally obtained Californian voter information without
22 limitation and in violation of state law further exacerbates this risk of harm to every
23 Californian voter.

24 **CLASS ACTION ALLEGATIONS**

25 127. Plaintiff brings this action on behalf of herself and all others similarly
26 situated (the “Class”) pursuant to Federal Rules of Civil Procedure 23(a), 23(b)(2),
27 23(b)(3), and 23(c)(5).

28 128. The Class is defined as follows:

1 All individuals whose California voter registration information was
2 distributed and sold by GC Strategies, LLC or i360, LLC to other
3 persons and/or entities without the prior express approval from the
4 California Secretary of State or California elections officials on or after
5 May 1, 2018 and until notice is disseminated to the Class (the “Class
6 Period”).

7 129. Plaintiff further seeks to represent a Sub-Class as defined below:

8 All individuals who are members of the Class and who obtained
9 confidential voter status pursuant to California Elections Code § 2166.

10 130. The following people are excluded from the Class and Sub-Class: (1)
11 any judge or magistrate presiding over this action and members of their families; (2)
12 Defendants, Defendants’ subsidiaries, parents, successors, predecessors, affiliated
13 entities, and any entity in which Defendants or their parents have a controlling
14 interest, and their current or former officers and directors; (3) persons who properly
15 execute and file a timely request for exclusion from the Class; (4) persons whose
16 claims in this matter have been finally adjudicated on the merits or otherwise
17 released; (5) Plaintiff’s counsel and Defendants’ counsel; and (6) the legal
18 representatives, successors, and assigns of such excluded persons.

19 131. Numerosity. The members in the proposed Class and Sub-Class include
20 all Californian voters whose voter registration information was obtained and
21 distributed without prior express approval from the California Secretary of State.
22 During the 2020 general election, there were approximately 22,389,846 registered
23 voters in California. Accordingly, the Class and Sub-Class likely number millions of
24 Californian voters. Individual joinder of all members is impracticable, and the
25 disposition of the claims of all Class members in a single action will provide
26 substantial benefits to the parties and Court.

27 132. Commonality. Questions of law and fact common to Plaintiff and the
28 Class include:

- 1 a. Whether Defendants obtained prior written express approval from the
- 2 California Secretary of State prior to distributing and selling voter
- 3 registration information to third parties;
- 4 b. Whether Defendants' conduct violated applicable state laws; and
- 5 c. Whether Plaintiff and the Class are entitled to actual and punitive
- 6 damages, restitution, injunctive relief, declaratory relief, or other relief;
- 7 d. Whether Defendants' conduct was negligent;
- 8 e. Whether Defendants' conduct constituted public disclosure of private
- 9 facts.

10 133. Typicality. Plaintiff is a member of the Class and Sub-Class. Plaintiff's
11 claims are typical of the claims of each Class and Sub-Class member in that Plaintiff
12 and Class Members sustained damages arising out of Defendants' pattern and
13 practice of distributing Californian voter registration data in violation of California
14 voters' privacy rights, and Plaintiff and Class members sustained similar injuries and
15 damages as a result of Defendants' uniform unlawful conduct.

16 134. Adequacy. Plaintiff is an adequate class representative because
17 Plaintiff's interest do not conflict with the interests of the Class she seeks to
18 represent. Plaintiff's claims are common to all members of the Class, and Plaintiff
19 has a strong interest in vindicating the rights of absent Class members. Plaintiff has
20 retained counsel competent and experienced in complex class action litigation, and
21 she intends to vigorously prosecute this action.

22 135. Ascertainability. Class and Sub-Class Members can easily be identified
23 by the objective criteria set forth in the Class and Sub-Class definition.

24 136. Predominance. The common issues of law and fact identified above
25 predominate over any other questions affecting only individual members of the Class
26 and Sub-Class. Class issues fully predominate over any individual issue.

27 137. Superiority. A class action is superior to other available methods for the
28 fair and efficient adjudication of this controversy because: (a) the joinder of all

1 individual Class Members is impracticable, cumbersome, unduly burdensome, and a
2 waste of judicial and/or litigation resources; (b) the individual claims of the Class and
3 Sub-Class members may be relatively modest compared with the expense of litigating
4 the claim, thereby making it impracticable, unduly burdensome, and expensive to
5 justify individual actions; (c) when Defendants' liability has been adjudicated, all
6 Class and Sub-Class Members' claims can be determined by the Court and
7 administered efficiently in a manner far less burdensome and expensive than if it
8 were attempted through filing, discovery, and trial of all individual cases.

9 138. This class action is also properly brought and should be maintained as a
10 class action because Plaintiff seeks injunctive relief on behalf of the Class and Sub-
11 Class on grounds generally applicable to both Classes. Certification is appropriate
12 because Defendants have acted or refused to act in a manner that applies generally to
13 the injunctive Class (i.e., Defendants violated Plaintiff's and the Class Members'
14 privacy rights by selling and distributing the personal information included in
15 Plaintiff's and Class Members' voter registration information in violation of
16 applicable state laws). Thus, any final injunctive relief or declaratory relief would
17 benefit the Class as a whole.

18 **CAUSES OF ACTION**

19 **First Cause of Action**

20 **Negligence**

21 139. Plaintiff repeats the allegations contained in the foregoing paragraphs as
22 if fully set forth herein.

23 140. Plaintiff brings this claim on behalf of herself and members of the
24 proposed Class and Sub-Class.

25 141. Defendants owed Plaintiff and Class Members a duty to exercise
26 reasonable care in distributing and selling their confidential voter registration
27 information in their care and custody, including following applicable state laws
28 governing the use and distribution of such information.

1 142. Defendants owed a duty of care to Plaintiff and Class Members because
2 Plaintiff and Class Members are foreseeable and probable victims of Defendants'
3 failure to properly secure confidential voter registration information.

4 143. Defendants acted with wanton and reckless disregard for the security and
5 confidentiality of Plaintiff's and Class Members' confidential voter registration
6 information by distributing and selling such information to unauthorized third parties
7 and by failing to properly supervise the manner in which the information was used
8 and exchanged.

9 144. The risk that unauthorized persons would gain access upon purchasing
10 access to i360's existing database of confidential voter registration information and
11 misuse of such information was foreseeable.

12 145. Defendants knew, or should have known, the risk in allowing each of
13 i360's clients to obtain, use, handle, and store the confidential voter registration
14 information of Plaintiff's and Class Members and the importance of exercising
15 reasonable care in handling it.

16 146. Defendants breached their duty by failing to exercise reasonable care in
17 handling and distributing the confidential voter registration information of Plaintiff
18 and Class Members, which actually proximately caused Plaintiff's and Class
19 Members' injuries. As a direct and traceable result of Defendants' negligence,
20 Plaintiff and Class Members have suffered or will suffer damages.

21 147. Defendants' breach of their common law duties to exercise reasonable
22 care and Defendants' failures and negligence actually and proximately caused
23 Plaintiff's and Class Members' actual and tangible injury-in-fact, and damages,
24 including without limitation the improper disclosure of their confidential voter
25 registration information and lost time and money incurred to investigate, mitigate and
26 remediate the effects of unregulated distribution and sale of their confidential
27 information that resulted from and was caused by Defendants' negligence, which
28

1 injury-in-fact and damages are ongoing, imminent, immediate, and which they
2 continue to face.

3 148. Alternatively, Defendants’ violation of state laws relating to voter
4 registration is evidence of Defendants’ breach of duty to exercise reasonable care in
5 distributing and selling Plaintiff’s and Class Members’ confidential voter registration
6 information.

7 149. “Any application for voter registration information available pursuant to
8 law and maintained by the Secretary of State or by the elections official of any county
9 shall be made pursuant to [Election Code § 2188].” Elec. Code § 2188(a).

10 150. Any person who obtains voter registration information shall not “make
11 any information available under any terms, in any format, or for any purpose, to any
12 person without receiving prior written authorization from” the California Secretary of
13 State. Such authorization will only be given “after the person to receive such
14 information has executed the written agreement set forth in Section 19008.” CCR §
15 19005.

16 151. “It is a misdemeanor for a person in possession of [voter registration
17 information] knowingly to use or permit the use of all or any part of that information
18 for any purpose other than as permitted by law.” Cal. Elec. Code § 18109.

19 152. Defendants violated CCR § 19005 and Elections Code § 18109 when
20 Defendants distributed and sold California voter registration information without
21 following the requirements set forth under CCR § 19005. Defendant GC Strategies
22 aided Defendant i360’s scheme to profit off the unauthorized distribution of
23 Californian voter registration information by applying and obtaining the data on
24 i360’s behalf. Defendant i360 then distributed and sold the voter data to each of its
25 clients through the i360 database. Defendant Joe Leventhal knowingly continued this
26 illegal use and distribution when he obtained the voter registration data from
27 Defendant i360 without obtaining prior express approval in accordance with
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1 Elections Code § 2188 and further disseminated the voter data to his committee
2 workers.

3 153. Defendants’ violations of CCR § 19005 and Elections Code §§ 2188 and
4 18109 actually and proximately caused Plaintiff’s and Class Members’ actual and
5 tangible injury-in-fact, and damages, including without limitation the improper
6 disclosure of their confidential voter registration information and lost time and money
7 incurred to investigate, mitigate and remediate the effects of unregulated distribution
8 and sale of their confidential information that resulted from and was caused by
9 Defendants’ violations of state law, which injury-in-fact and damages are ongoing,
10 imminent, immediate, and which they continue to face.

11 154. Defendants’ violations of CCR § 19005 and Elections Code §§ 2188 and
12 18109 were a substantial factor in bringing about the harm suffered by Plaintiff and
13 Class Members.

14 155. The harm suffered by Plaintiff and Class Members resulted from an
15 occurrence of the nature which CCR § 19005 and Elections Code §§ 2188 and 18109
16 were designed to prevent. For example, Elections Code § 2188 was passed in
17 response to a belief that state laws must be strengthened to prevent “impermissible
18 uses of voter information, especially by secondary users.” Source: *Task Force on*
19 *Voter Privacy: FINAL REPORT*, Presented to Secretary of State Kevin Shelley and
20 Members of the Legislature, June 14, 2004, at p. 23,
21 [https://elections.cdn.sos.ca.gov/voter_privacy_final_report/intro_tfvf_final_report.pd](https://elections.cdn.sos.ca.gov/voter_privacy_final_report/intro_tfvf_final_report.pdf)
22 [f](https://elections.cdn.sos.ca.gov/voter_privacy_final_report/intro_tfvf_final_report.pdf), (last accessed May 21, 2021).

23 156. Plaintiff and Class Members are within the class of persons for whose
24 protection CCR § 19005 and Elections Code §§ 2188 and 18109 were designed to
25 prevent. *See* Cal. Elec. Code § 2157.1 (“It is the intent of the Legislature that a voter
26 be fully informed of the permissible uses of personal information supplied by him or
27 her for the purpose of completing a voter registration affidavit.”); *see also Secretary*
28 *of State Kevin Shelley Announces Recommendations from Task Force on Voter*

1 *Privacy*, June 15, 2004, [https://admin.cdn.sos.ca.gov/press-](https://admin.cdn.sos.ca.gov/press-releases/prior/2004/04_039.pdf)
2 [releases/prior/2004/04_039.pdf](https://admin.cdn.sos.ca.gov/press-releases/prior/2004/04_039.pdf) (last accessed May 21, 2021) (“Californians are
3 increasingly concerned about protecting their privacy . . . The Task Force made
4 recommendations that enhance the protection of private information contained in
5 voter files and ensure that voters receive vital information on how to protect
6 themselves from identity theft and other crimes.”).

7 157. Accordingly, Plaintiff and Class Members seek damages in accordance
8 with applicable law.

9 **Second Cause of Action**

10 **Public Disclosure of Private Facts**

11 158. Plaintiff repeats the allegations contained in the foregoing paragraphs as
12 if fully set forth herein.

13 159. Plaintiff brings this claim on behalf of herself and members of the
14 proposed Class and Sub-Class.

15 160. Defendants, by distributing and selling Plaintiff’s and Class Members’
16 voter registration information in disregard of applicable state law to countless
17 numbers of political candidates, campaigns, committee workers, and organizations,
18 effectively publicized private information concerning Plaintiff and Class Members.

19 161. A reasonable person in Plaintiff’s and Class Members’ position would
20 consider the publicity of voter registration information highly offensive and
21 dangerous. The voter registration information included Plaintiff’s and Class
22 Members’ private information, such as their home address, telephone number, and
23 email address. This information essentially comprises an identity theft starter kit.
24 Distribution of this information also puts Plaintiff and members of the Sub-Class in
25 serious fear of their safety as a life-threatening condition was present, necessitating a
26 heightened confidential status of their private information.

27
28

1 162. Defendants knew, or acted with reckless disregard of the fact, that a
2 reasonable person in Plaintiff's and Class Members' position would consider the
3 publicity of voter registration information highly offensive and dangerous.

4 163. The private information was not of legitimate public concern.

5 164. Defendants' wrongful conduct actually and proximately caused
6 Plaintiff's and Class Members' actual and tangible injury-in-fact, and damages,
7 including without limitation the improper disclosure of her confidential voter
8 registration information and lost time and money incurred to investigate, mitigate and
9 remediate the effects of unregulated distribution and sale of their confidential
10 information that resulted from and was caused by Defendants' negligence, which
11 injury-in-fact and damages are ongoing, imminent, immediate, and which they
12 continue to face.

13 165. Defendants' conduct was a substantial factor in causing Plaintiff's and
14 Class Members' harm.

15 166. Accordingly, Plaintiff and Class Members seek damages in accordance
16 with applicable law.

17 **Third Cause of Action**

18 **Invasion of Privacy, Cal. Const. Art. 1, § 1**

19 167. Plaintiff repeats the allegations contained in the foregoing paragraphs as
20 if fully set forth herein.

21 168. Plaintiff brings this claim on behalf of herself and members of the
22 proposed Class and Sub-Class.

23 169. Plaintiff and Class Members have a legally protected privacy interest in
24 the personal information provided in their California voter registration. *See* CCR §
25 19005 (prohibiting unauthorized disclosure of voter registration information); *see*
26 *also* Cal. Elec. Code § 18109 (unauthorized disclosure of voter registration
27 information is a misdemeanor); Cal. Elec. Code § 2157.1 ("It is the intent of the
28 Legislature that a voter be fully informed of the permissible uses of personal

1 information supplied by him or her for the purpose of completing a voter registration
2 affidavit.”).

3 170. Plaintiff and Class Members have a reasonable expectation of privacy in
4 their voter registration information. *See* Cal. Elec. Code § 2157.2 (To fully inform
5 voters of the permissible uses of personal information supplied on a voter registration
6 affidavit, the permissible uses must be printed on the state ballot pamphlet and posted
7 on local elections official website and the Secretary of State’s website).

8 171. Defendants’ unauthorized disclosure of Plaintiff’s and Class Members’
9 voter registration information constitutes a serious invasion of Plaintiff’s and Class
10 Members’ privacy.

11 172. Accordingly, Plaintiff and Class Members seek damages in accordance
12 with applicable law.

13 **Fourth Cause of Action**

14 **Violations of California’s Unfair Competition Law**

15 **Cal. Bus. & Prof. Code §§ 17200, *et seq.***

16 173. Plaintiff repeats the allegations contained in the foregoing paragraphs as
17 if fully set forth herein.

18 174. Plaintiff brings this claim on behalf of herself and members of the
19 proposed Class and Sub-Class

20 175. The UCL prohibits any “unlawful, unfair or fraudulent business act or
21 practice.” Cal. Bus. & Prof. Code § 17200.

22 176. Defendants violated the unlawful prong of the UCL. The acts alleged
23 herein are “unlawful” under the UCL in that they violate at least the following laws:

- 24 a. California Elections Code § 2188
25 b. California Elections Code § 18109
26 c. California Code of Regulations § 19004
27 d. California Code of Regulations § 19005
28

1 177. Defendants’ actions also constitute negligence, public disclosure of
2 private facts, and an invasion of privacy under the California constitution.

3 178. Defendants profited from their wrongful sale and distribution of
4 Plaintiff’s and Class Members’ voter registration information.

5 179. Plaintiff and Class Members are likely to be damaged by Defendants’
6 wrongful practices, as Defendants continue to illegally sell and disseminate their
7 voter registration information to any person and/or entity without regulation and are
8 otherwise free to continue to disseminate such information in violation of state law.
9 Thus, injunctive relief enjoining this deceptive practice is proper.

10 180. Defendants’ conduct caused and continues to cause substantial injury to
11 Plaintiff and Class Members, who have suffered injury in fact as a result of
12 Defendants’ unlawful conduct.

13 181. Defendants GC Strategies and i360’s conduct is also “unfair” because
14 Defendants each profit from their unlawful disclosure of the personal information
15 provided by Plaintiff and Class Members in their voter registration affidavit. Such
16 conduct is immoral, unethical, unscrupulous, and substantially injurious to Plaintiff
17 and Class Members and the utility of their conduct, if any, does not outweigh the
18 gravity of the harm to their victims.

19 182. Defendants GC Strategies, i360, and Joe Leventhal’s conduct with
20 respect to their unlawful disclosure of Californian voter registration information is
21 also unfair because it violates public policy as declared by specific constitutional,
22 statutory and regulatory provisions, including but not limited the right to privacy
23 under the California Constitution, California Elections Code §§ 2188 and 18109, and
24 California Code of Regulations §§ 19004 and 19005.

25 183. In accordance with Bus. & Prof. Code § 17203, Plaintiff, on behalf of
26 herself, the Class, and the general public, seek an order enjoining Defendants from
27 continuing to conduct business through unlawful and unfair acts and practices.
28

1 184. Plaintiff, on behalf of herself and the Class also seek an order for the
2 restitution of all monies expended due to Defendants' unlawful conduct and acts of
3 unfair competition.

4 **PRAYER FOR RELIEF**

5 185. Wherefore, Plaintiff, individually and on behalf of all others similarly
6 situated, prays for judgment against Defendants as to each and every cause of action,
7 and the following remedies:

- 8 a. An Order declaring this action to be a proper class action, appointing
9 Plaintiff as class representative, and appointing their undersigned
10 counsel as class counsel;
- 11 b. An Order entering judgment against Defendants for the causes of action
12 asserted herein;
- 13 c. An award of actual, nominal and/or statutory damages, punitive
14 damages, prejudgment interest, and post-judgment interest, in an amount
15 to be determined at trial;
- 16 d. An award of restitution to Plaintiff and Class Members;
- 17 e. An award of equitable, injunctive, and declaratory relief as may be
18 appropriate;
- 19 f. An award of all costs, including attorneys' fees and the costs of
20 prosecuting this action, as allowed by law;
- 21 g. Any other or further legal and equitable relief, as the Court may deem
22 appropriate.

23 **JURY DEMAND**

24 186. Plaintiff hereby demands a trial by jury on all issues so triable.
25

26 Date: May 21, 2021

LAW OFFICES OF RONALD A. MARRON

27 By: /s/ Ronald A. Marron

28 RONALD A. MARRON

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Class*

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This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action Alleges i360, GC Strategies Illegally Profited from Calif. Voters' Personal Information](#)
